

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No.39784

Deanna Roberts  
Earl G. Cleaver

8160 Kavanagh Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on February 25, 2009, for a Hearing on a citation for violations under the Baltimore County Zoning regulations (BCZR) section 101, 102.1, 1b01.1; Baltimore County Code (BCC) section 13-4-201 (b), premises shall be kept free from accumulations of improperly stored solid waste; 13-7-310, 312; failure to store trash in cans, failure to remove all trash, junk and debris on residential property zoned DR 10.5 known as 8160 Kavanagh Road, 21222.

On February 11, 2009, pursuant to § 3-6-205, Baltimore County Code, a Code Enforcement citation was issued. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$10,000.00 (ten thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. Respondents have been issued multiple Citations and Correction Notices for similar code violations in 2006, 2007, 2008, and 2009. Despite multiple notices and imposition of civil penalties, violations have not been corrected.

B. Photographs in the file show the horizontal gutter has been hanging off the back of the row house since at least May 2008. This violates County Code Section 25-5-302 ("In order not to pose a threat to the health, safety, or welfare of the occupants or immediate neighbors of an owner-occupied housing unit, the property owner shall maintain ... gutters ... in good repair.").

C. Photographs taken February 23, 2009 show trashcans overflowing with bagged garbage. Photographs also show substantial trash, garbage, and debris in the yard and adjoining alley on February 23, 2009 and on multiple earlier dates. This constitutes a continued violation of County Code provisions prohibiting conditions that are conducive to rat harborage and rodent infestation.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the County shall enter the property for the purpose of removing accumulated trash, garbage, junk and debris from the yard and alley, at the expense of the property owner.

IT IS FURTHER ORDERED that the Respondents must immediately repair the broken rear horizontal gutter, for the protection of the Respondents' property and the protection of their adjoining neighbors.

IT IS FURTHER ORDERED that the County inspect the property following cleanup to determine whether all violations have been corrected. If the broken gutter is not repaired by March 27, 2009, the County may enter the property for the purpose of repairing the gutter, at the expense of the property owner. Additional civil penalties may be imposed for continued violations.

ORDERED this 3<sup>rd</sup> day of March 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer